

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**TERRY A. BROCK,**

**Plaintiff,**

**vs.**

**No. 12-0645-DRH**

**GORDON TRUCKING, INC., and  
GORDON TRUCKING, CO.**

**Defendants.**

**ORDER**

**HERNDON, Chief Judge:**

Pending before the Court is defendants' May 24, 2013 motion for attorney fees (Doc. 74). Specifically, defendants ask for \$17,387.50 in attorneys' fees. On July 2, 2013, the Court directed defendants to supplement 'the request for fees with documentation supporting the figures (Doc. 76). That same day, defendants' attorney John L. Walker filed an affidavit in support of award of attorneys' fees (Doc. 77). On July 3, 2013, defendants filed a notice indicating that served via first class mail the documentation to plaintiff (Doc. 79). As of this date, plaintiff has not responded to either the motion or the supporting documentation.<sup>1</sup>

The Court considers plaintiff's failure to respond as an admission of the merits of the motion for attorney fees.<sup>2</sup> Further, the Court has reviewed the

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<sup>1</sup> The Court notes that plaintiff also failed to respond to the motions for summary judgment.

<sup>2</sup> "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion." Local Rule 7.1(g).

documentation submitted and finds that the fees and hours are reasonable in this case. Thus, the Court **GRANTS** the motion for award of attorney fees (Doc. 74).

The Court **AWARDS** defendants' attorneys' fees in the amount of \$17,387.50.

**IT IS SO ORDERED.**

Signed this 25th day of July, 2013.

*David R. Herndon*



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David R. Herndon  
Date: 2013.07.25  
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**Chief Judge**  
**United States District Court**